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EXAMINER

THERIAULT, STEVEN B

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/662,362

Applicant(s)

MATSUMOTO, KENTARO

Examiner

Steven B. Theriault

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 09/05, 01/05, 05/04, 10/03.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the following communications: Non-provisional application filed 09/16/2003 that claims foreign priority to 09/30/2002 with an Information Disclosure Statements filed 10/23/2003, 05/28/2004, 01/21/2005 and 09/06/2005.
2. Claims 1 -32 are pending in the case. Claims 1, 11-14, 28-33 are the independent claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12, 31, and 32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

With respect to claims 12, 31 and 32, claims 12, 31, and 32 refer to a program for causing a computer to execute an image method. A program is software per-se and is not one of the statutory classes of invention. The claims do not recite a structure for a machine or apparatus that include a processor or a display with hardware components for realizing the system functions. The claims are clearly not composition of matter claims and the claims while stated as programs for executing methods the claims recite modules for performing processes, which is evidence that the elements of the claims are software modules that are not patentable subject matter.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of

Claim Rejections - 35 USC § 102

4. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-13, 28, 30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasebe et al (hereinafter Hasebe) U.S. Patent No. 5,363,211 issued Nov. 8, 1994 and filed July 20, 1993.**

In regard to **Independent claim 1**, Hasebe teaches an image editing method comprising the steps of:

- Instructing to move an arbitrary point of an image displayed in an image display area among image data (See column 1, lines 63-67). Hasebe teaches the process of selecting an arbitrary region of a document (image) (See column 2, lines 5-10) in an image-processing device where the document is a part of the image data.
- Calculating an image movement amount and a magnification ratio in response to the instruction to move the arbitrary point (See column 2, lines 10-21). Hasebe teaches the detection, calculation, and instruction of determining the magnification ratio and amount to show on the display in response to the region designated by the user (See Figure 10).
- Displaying a predetermined area of the image data in the image display area on the basis of image movement amount and the magnification ratio, which are calculated in the calculating step (See figure 10 and 11) Hasebe teaches the displayed of the image on the basis of movement. The user has designated the bag to be magnified by designating the area around the bag with color closed loops and then the system reads the regions and magnifies the image by the amount

set by the user designated loops.

With respect to **dependent claim 2**, Hasebe teaches an image editing method wherein the image display area is an image print area indicating an image area to be printed (column 4, lines 50-56).

Hasebe teaches the color image is formed on a copier that can be printed.

With respect to **dependent claim 3**, Hasebe teaches an image editing method further comprising: a step of instructing to print the image displayed in the image display area (column 4, lines 30-32).

With respect to **dependent claim 4**, Hasebe teaches an image editing method wherein when it is instructed to move the arbitrary point so that an end of the image data in a direction opposite to a moving direction is exceeded, the image is magnified based on an exceeding amount and the magnified image is displayed (See figures 10 and 11 and column 7, lines 50-67 and column 8, lines 1-27). The user at arbitrary points around an image sets the closed loops. The image is magnified by the amount that exceeds the image data and then it is displayed.

With respect to **dependent claim 5**, Hasebe teaches an image editing method wherein the predetermined area of the image data is displayed in the displaying step so that the arbitrary point, whose movement is instructed in the instructing step, is moved to a post-movement point regardless of the magnification ratio (See figures 10 and 11 and column 7, lines 50-67 and column 8, lines 1-27). Hasebe shows the process of setting the loops and displaying the magnification. The magnification process is a variable rate process and the movement is made regardless of the ratio.

With respect to **dependent claim 6**, Hasebe teaches an image editing method wherein the calculating step calculates the image movement amount and the magnification ratio so that the arbitrary point, whose movement is instructed in the instructing step, is moved to the post-movement

point without generating any margin in the image display area (See figure 15 and 16) Hasebe teaches the calculating of the image region and the magnification amount so that the image can be magnified for the user and where the maximum range limits can include the whole screen that would not allow for margins.

With respect to **dependent claim 7**, Hasebe teaches an image editing method wherein while it is instructed in the instructing step to move the arbitrary point, the displaying step displays the predetermined area of the image data in the image display area based on the image movement amount and the magnification ratio, which are calculated in the calculating step (See column 8, lines 27-65).

With respect to **dependent claim 8**, Hasebe teaches an image editing method wherein while it is instructed in the instructing step to move the arbitrary point, the displaying step displays the predetermined area of the image data in the image display area based on the image movement amount, which is calculated in the calculation step, without changing image size, and when it is ended that the instructing step instructs the movement of the arbitrary point, the displaying step displays the predetermined area of the image data in the image display area based on the image movement amount and the magnification ratio, which are calculated in the calculating step (See column 8, lines 27-65 and figures 10 and 11). Hasebe shows the closed loops that are manipulated by the user and displayed at arbitrary points on the screen. The loops are displayed prior to magnification and then system performs the calculations on the loop area without changing the image size. The image is then displayed based on the variable magnification ratio that is determined by the system and the areas set by the user.

With respect to **dependent claim 9**, Hasebe teaches an image editing method wherein the calculating step calculates the magnification ratio based on a post-movement point designated during the instruction in the instructing step (See column 8, lines 27-67). Hasebe teaches that a post-

movement step is the finished result of the loops that are set by the user. The magnification ratio is variable and based on the size of the loop area.

With respect to **dependent claim 10**, Hasebe teaches an image editing method wherein the calculating step calculates the magnification ratio based on a post-movement point designated at a start of the instruction in the instructing step (See column 8, lines 27-67).

In regard to **Independent claim 11**, Hasebe teaches the image editing apparatus comprising:

- Means for instructing to move an arbitrary point of an image displayed in an image display area among image data (See column 1, lines 63-67). Hasebe teaches the process of selecting an arbitrary region of a document (image) (See column 2, lines 5-10) in an image-processing device where the document is a part of the image data.
- Means for calculating an image movement amount and a magnification ratio in response to the instruction to move the arbitrary point (See column 2, lines 10-21). Hasebe teaches the detection, calculation, and instruction of determining the magnification ratio and amount to show on the display in response to the region designated by the user (See Figure 10).
- Means for displaying a predetermined area of the image data in the image display area on the basis of the image movement amount and the magnification ratio, which is calculated by the calculating means (See figure 10 and 11). Hasebe teaches the displayed of the image on the basis of movement. The user has designated the bag to be magnified by designating the area around the bag with color closed loops and then the system reads the regions and magnifies the image by the amount set by the user designated loops.

In regard to **Independent claim 12**, Hasebe teaches the program for causing a computer to execute an image editing method, comprising:

- Instructing to move an arbitrary point of an image displayed in an image display area among image data (See column 1, lines 63-67). Hasebe teaches the process of selecting an arbitrary region of a document (image) (See column 2, lines 5-10) in an image-processing device where the document is a part of the image data.
- Calculating an image movement amount and a magnification ratio in response to the instruction to move the arbitrary point (See column 2, lines 10-21). Hasebe teaches the detection, calculation, and instruction of determining the magnification ratio and amount to show on the display in response to the region designated by the user (See Figure 10).
- Displaying a predetermined area of the image data in the image display area on the basis of the image movement amount and the magnification ratio, which are calculated in the calculating step (See figure 10 and 11) Hasebe teaches the displayed of the image on the basis of movement. The user has designated the bag to be magnified by designating the area around the bag with color closed loops and then the system reads the regions and magnifies the image by the amount set by the user designated loops.

In regard to **Independent claim 13**, Hasebe teaches the computer-readable recording medium on which a program for causing a computer to execute an image editing method is recorded (Se Figure 4, RAM), the method comprising:

- Instructing to move an arbitrary point of an image displayed in an image display area among image data (See column 1, lines 63-67). Hasebe teaches the process of selecting an arbitrary region of a document (image) (See column 2, lines 5-10) in an image-processing device where the document is a part of the image data.

- Calculating an image movement amount and a magnification ratio in response to the instruction to move the arbitrary point (See column 2, lines 10-21). Hasebe teaches the detection, calculation, and instruction of determining the magnification ratio and amount to show on the display in response to the region designated by the user (See Figure 10).
- Displaying a predetermined area of the image data in the image display area on the basis of the image movement amount and the magnification ratio, which are calculated in the calculating step (See figure 10 and 11) Hasebe teaches the displayed of the image on the basis of movement. The user has designated the bag to be magnified by designating the area around the bag with color closed loops and then the system reads the regions and magnifies the image by the amount set by the user designated loops.

In regard to **Independent claim 28**, Hasebe teaches the image editing method comprising the steps of: performing a trimming process on image data in a trimming mode; and displaying, on an image to be subjected to the trimming process, a mark suggesting appropriate framing of a main object in the image, when the trimming mode is set (See column 10, lines 1-60). Hasebe teaches a marker region and a trimming process combined with the magnification process. The main image is framed using the closed loops.

In regard to **Independent claim 30**, Hasebe teaches the image editing apparatus comprising: means for performing a trimming process on image data in a trimming mode; and means for displaying, on an image to be subjected to the trimming process, a mark suggesting suited framing of a main object in the image, when the trimming mode is set (See column 10, lines 1-60). Hasebe teaches a marker region and a trimming process combined with the magnification

process. The main image is framed using the closed loops.

In regard to **Independent claim 32**, Hasebe teaches the program for causing a computer to execute an image editing method, comprising: a trimming module for performing a trimming process on image data in a trimming mode; and a processing module for displaying, on an image to be subjected to the trimming process, a mark suggesting suited framing of a main object in the image, when the trimming mode is set (See column 10, lines 1-60). Hasebe teaches a marker region and a trimming process combined with the magnification process. The main image is framed using the closed loops.

Claim Rejections - 35 USC § 103

6. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 14-16, 21-27, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasebe as applied to claims 1-13, 28, 30 and 32 above, and further in view of Nagasato et al. (hereinafter Nagasato) U.S. Patent No. 5,459, 586 issued Oct. 17, 1995 and issued Oct. 14, 1992.**

In regard to **Independent claim 14**, as indicated in the above discussion Hasebe teaches every element of claim 1.

Hasebe teaches the image editing method comprising the steps of: performing a trimming process on image data in a trimming mode (See column 10, lines 1-60).

Hasebe does not expressly teach the displaying of a grid on an image to be subjected to the trimming process when the trimming mode is set.

However, in the same problem solving area, Nagasato teaches the use of a marker area (grid) that is placed over the image area to perform a trimming process (See column 4, lines 35-50). Nagasato and Hasebe are analogous art because they both teach a process of using variable magnification ratios in the process of trimming an image or magnifying an image.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Hasebe and Nagasato in front of them to modify the system of Hasebe to include the grid that is applied to the image to control the trimming process. The motivation to combine Hasebe with Nagasato comes from the expressed use mentioned in Nagasato of using closed loops to mark an area with color that is then converted to an image on the screen (See column 14, lines 50-67).

With respect to **dependent claim 15**, as indicated in the above discussion, Hasebe in view of Nagasato teaches every element of claim 14.

Hasebe teaches a trimming process in accordance with a trimming operation (See column 10, lines 1-60).

Hasebe does not expressly teach that while it is detected that the trimming operation is performed, the grid-displaying step displays the grid on the image. However, this limitation would have been obvious, in view of Nagasato, because Nagasato teaches the placement of a mask over the image area and the grid is displayed (See column 9, lines 20-40). Presenting area positioning is done by the user and therefore the grid is visible.

With respect to **dependent claim 16**, as indicated in the above discussion, Hasebe in view of Nagasato teaches every element of claim 14.

Hasebe does not expressly teach wherein the grid-displaying step displays the grid, which suggests appropriate framing of a main object in the image. However, this limitation would

have been obvious, in view of Nagasato, because Nagasato teaches the placement of a mask over the image area that frames the image or surrounds it (See figure 6a).

With respect to **dependent claim 21**, as indicated in the above discussion, Hasebe in view of Nagasato teaches every element of claim 14.

Hasebe does not expressly teach an image editing method wherein the grid-displaying step is arranged to switch between displaying and non-displaying of the grid. However, this limitation would have been obvious, in view of Nagasato, because Nagasato teaches the use of interface controls where the user can control the display of messages and define the user preferences to see or not to see the grid (see column 8, lines 25-35).

With respect to **dependent claim 22**, as indicated in the above discussion, Hasebe in view of Nagasato teaches every element of claim 14.

Hasebe does not expressly teach an image editing method wherein the trimming step performs the trimming process by changing at least one of a size and a position of the image. However, this limitation would have been obvious, in view of Nagasato, because Nagasato teaches the use of interface controls where the user can control the position and size of the image on the display (see column 10, lines 1-67).

With respect to **dependent claims 23-27**, as indicated in the above discussion, Hasebe in view of Nagasato teaches every element of claim 14.

Hasebe teaches an image editing process that includes trimming (see Hasebe column 10, lines 40-50). That would also include changing the size of the trimming frame that changes the size and position of the image (See figure 10 and 11). Hasebe teaches placing loops around

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the image to perform the process of trimming when the image is changed or moved and resizes, the image based on a magnification ratio (see Hasebe column 6, lines 45-50 and column 10, lines 1-60). Hasebe also teaches the process of moving in an arbitrary region (see column 1, lines 60-67). Hasebe also teaches the image is formed on a copier that can be copied or printed. Hasebe teaches the process of performing a calculation for image movement and magnification ratio (See column 2, lines 35-67) and then trimming the based on the image movement and magnification ratio (See column 10, lines 1-60).

Hasebe does not expressly disclose the grid displaying step displays the grid in the trimming frame changed in at least one of the size and the position and displaying fixedly a trimming image area and the grid in the trimming image area, and the trimming step is arranged to change an image in the trimming image area in at least one of a size and a position in accordance with a trimming instruction and display the image changed in at least one of the size and the position and displaying a grid that is closest to a point instructed in the instructing step, out of a plurality of grid candidates, in a form that is different from that of other grids.

However, these limitations would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Nagasato, because Nagasato teaches a grid that is placed over the image where the trimming frame changes the size of the image (See Figure 5, S7). Nagasato also teaches the displaying of the image in the location that the user has placed the grid over the area to be trimmed (See Figure 6E the lightning bolt). Nagasato teaches the grid used in the lightning bolt example is a different size and one of many variable sizes can be employed. The motivation to combine comes from the expressed teaching in Nagasato to used closed loop color marking systems to determine the masking regions mentioned in Hasebe and Nagasato.

In regard to **Independent claims 29**, Hasebe teaches an image editing apparatus comprising:

- Means for performing a trimming process on image data in a trimming mode (See Hasebe column 10, lines 1-60). Hasebe teaches the means to perform a trimming mode on an image (See lines 45-50).

Hasebe does not expressly teach:

- Means for displaying a grid on an image to be subjected to the trimming process, when the trimming mode is set.

However, in the same problem solving area, Nagasato teaches the use of a marker area (grid) that is placed over the image area to perform a trimming process (See column 4, lines 35-50). Nagasato and Hasebe are analogous art because they both teach a process of using variable magnification ratios in the process of trimming an image or magnifying an image.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Hasebe and Nagasato in front of them to modify the system of Hasebe to include the grid that is applied to the image to control the trimming process. The motivation to combine Hasebe with Nagasato comes from the expressed use mentioned in Nagasato of using closed loops to mark an area with color that is then converted to an image on the screen (See column 14, lines 50-67).

In regard to **Independent claims 31**, Hasebe teaches an program for causing a computer to execute an image editing method, comprising:

- A trimming module for performing a trimming process on image data in a trimming mode (See Hasebe column 10, lines 1-60). Hasebe teaches the means to perform a trimming mode on an image (See lines 45-50).

Hasebe does not expressly teach:

- A processing module for displaying a grid on an image to be subjected to the trimming process, when the trimming mode is set.

However, in the same problem solving area, Nagasato teaches the use of a marker area (grid) that is placed over the image area to perform a trimming process (See column 4, lines 35-50). Nagasato and Hasebe are analogous art because they both teach a process of using variable magnification ratios in the process of trimming an image or magnifying an image.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Hasebe and Nagasato in front of them to modify the system of Hasebe to include the grid that is applied to the image to control the trimming process. The motivation to combine Hasebe with Nagasato comes from the expressed use mentioned in Nagasato of using closed loops to mark an area with color that is then converted to an image on the screen (See column 14, lines 50-67).

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasebe in view of Nagasato as applied to claims 14-16, 21-27, 29 and 31 above, and further in view of Hideyuki et al. (hereinafter Hideyuki) JP 2000-261644 published 22.09.2000.

With respect to **dependent claim 17**, as indicated in the above discussion Hasebe in view of Nagasato teaches every element of claim 16.

Hasebe in view of Nagasato teach the displaying of a grid in an image editor (See Hasebe column 4, image editor and Nagasato figure 6a, grid)

Hasebe in view of Nagasato do not expressly teach an image editing method wherein the grid-displaying step displays the grid, which divides the image based on a golden section. However, Hideyuki teaches an image trimming application that uses a golden section ratio as a basis for determining the proper image size after trimming (See Para 0017 and Figure 4). Hideyuki, Hasebe, and Nagasato all teach processes for modifying images and teach processes for the user to interact with the image to present the image in accordance with a user preference.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Hasebe, Nagasato and Hideyuki in front of them to modify

the system of Hasebe to include the grid that is applied to the image to control the trimming process and to apply the golden ratio to the image as it is trimmed. The motivation to combine Hasebe with Nagasato comes from the expressed use mentioned in Nagasato of using closed loops to mark an area with color that is then converted to an image on the screen (See column 14, lines 50-67). The motivation to combine Hideyuki with Hasebe and Nagasato come from the suggestion in Hideyuki to balance the process of trimming an image by starting from a given location within the image (See Para 0002).

With respect to **dependent claims 18 - 20**, as indicated in the above discussion, Hasebe in view of Nagasato in further view of Hideyuki teach every limitation of claim 17.

Hasebe in view of Nagasato teaches the *grid displaying step displays the grid which vertically and horizontally divides the image into equal parts and displays the grid which vertically and horizontally divides the image into at least one of three, four, and five equal part* (Nagasato figure.6a, shows equal parts in a grid. Further, Nagasato teaches that a variety of shapes used in the grid can be employed, which would include a grid with equal sections or a grid with unequal sections (See column 9, lines 20-40).

Hasebe in view of Nagasato does not expressly teach the *grid which is obtained by drawing a diagonal line in a rectangular image and drawing perpendicular lines from remaining vertexes of the image to the diagonal line*. However, this limitation would have been obvious, in view of Hideyuki, because Hideyuki teaches the process of using a horizontal line to calculate a vanishing point that is used in the golden aspect ratio. The point on the line intersects with four corners of the image and therefore provides a diagonal line with perpendicular lines at the vertexes (See Para 0036).

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It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,053,886 to Nakajima issued Oct. 1, 1991 and discloses a process to magnify an image based on a ratio and magnifying an image as it is moved or positioned on the screen.

U.S. Patent No. 5,517,209 to Holland issued May 14, 1996 and discloses a process of trimming an image and re-sizing an image based on a coordinate grid.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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SUPERVISORY PATENT EXAMINER